

2 CCR § 599.870

§ 599.870. Incompatible Activities Statements.

(a) To develop or revise an incompatible activities statement the appointing power shall:

(1) Publish the proposed statement or revision and a supporting statement of rationale for review and written comment by affected employees for at least 30 calendar days. The appointing power shall use a manner of publication that reasonably and likely assures the opportunity for affected employees to be informed of the proposed statement or revision. The published notice shall indicate how and by when comments are to be submitted.

(2) Respond in writing to concerns expressed by affected employees and their representatives about the statement during the review period by either making changes to the statement that are responsive to their concerns or informing them why such changes are not being made.

(3) File with the Department for approval a copy of the statement, the statement of rationale, a summary of the process followed in developing or revising the statement, a summary of the written comments received from employees and their representatives and the appointing power's response to the comments.

(b) The statement shall describe as specifically as possible the kinds of activities that are deemed incompatible.

(c) Except as provided by subsection (d) below, the statement shall be effective on the day it is approved by the Department.

(d) The statement or revision may take effect immediately for a period not to exceed 90 days, when the appointing power establishes and the Department concurs that delaying adoption of the proposed statement or revision until the process outlined in subsection (a) is completed could significantly impair agency operations. Such statements or changes shall not remain in effect for longer than 90 calendar days unless they are approved by the Department after being publicized and submitted as specified in subsection (a).

(e) Each appointing power shall describe within the statement the process for employees to appeal the application of an incompatible activities statement to them. The final review level in the process shall be the appointing power or his or her designee.

(f) Each appointing power shall ensure that its incompatible activities statement is kept current and that employees are aware of and have access to it. New employees shall be given a copy of the statement upon appointment. The statement shall also be available for public review upon request.